

**SOUTH JORDAN CITY  
PLANNING COMMISSION REPORT**

**Meeting Date: April 25, 2023**

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**Issue:**                    **ORDINANCE NO. 2023-07—ZONE TEXT AMENDMENT THAT AMENDS CITY CODE § 17.130.050 (PD ZONE REQUIREMENTS) BY CREATING AN EXCEPTION TO THE REQUIREMENT THAT THE APPLICANT ENTER INTO A DEVELOPMENT AGREEMENT IN THOSE INSTANCES WHERE THE APPLICANT IS THE CITY OF SOUTH JORDAN.**

**File No:**                PLZTA202300064  
**Applicant:**            City of South Jordan

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**Staff Recommendation (motion ready):** I move that the Planning Commission recommend to the City Council that it approve Ordinance No. 2023-07.

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**BACKGROUND:**

The Planned Development (PD) Floating Zone includes a requirement that a development agreement, with an attached development plan, is part of the City Council’s approval of the floating zone. As currently written, this requirement applies equally to the City as it does all other applicants. The proposed text amendment removes the development agreement requirement where the City is the applicant. If passed, the Development Plan, which is the essential requirement of all PD Floating Zone applications, will become an exhibit to the rezoning ordinance and will guide and be enforceable on the City’s project.

**STAFF FINDINGS, CONCLUSION & RECOMMENDATION:**

**Findings:**

- At least two different people or entities are required to form an enforceable agreement. The proposed text amendment recognizes the impossibility of the City entering into development agreements with itself.
- The proposed text amendment is necessary to allow the City to use the PD Floating Zone for City projects when necessary to accomplish the City’s Strategic Priorities, and the goals and objectives of the General Plan.
- If the City Council approves the proposed text amendment, all other requirements of the PD Floating Zone will still apply to applications where the City is an applicant. These requirements include public meetings and hearings, and submission by the City of a complete Development Plan that provides sufficient conceptual detail and design so that it can be enforced in later approvals (e.g. subdivision, site plan and building permit).

**Conclusions:**

- The proposed text amendment will provide the City an important zoning tool for City projects that require greater flexibility to effectively advance a public interest, address unique situations, and confer a substantial benefit to the City.
- The proposed text amendment complies with Utah Code § 10-9a-501, *et. seq.*

**Recommendation:**

Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and recommend that the City Council approve Ordinance No. 2023-07.

**FISCAL IMPACT:**

Not applicable.

**ALTERNATIVES:**

- Recommend approval with changes to the proposal.
- Recommend denial.
- Schedule the application for a decision at some future date.

**ATTACHMENTS:**

1. Ordinance No. 2023-07

**ATTACHMENT 1**

Ordinance No. 2023-07

**ORDINANCE NO. 2023 - 07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 17.130.050 (PD ZONE REQUIREMENTS) OF THE SOUTH JORDAN CITY MUNICIPAL CODE CREATING AN EXCEPTION TO THE REQUIREMENT THAT THE APPLICANT ENTER INTO A DEVELOPMENT AGREEMENT IN THOSE INSTANCES WHERE THE APPLICANT IS THE CITY OF SOUTH JORDAN.**

**WHEREAS**, Utah Code § 10-9a-102 grants the City of South Jordan (the “City”) authority to enact ordinances that the South Jordan City Council (the “City Council”) considers necessary or appropriate for the use and development of land within the City; and

**WHEREAS**, the subject text amendment recognizes the impossibility of the City entering into development agreements with itself and therefore removes the requirement that the Applicant for a zoning overlay creating a PD Zone enter into a development agreement in those instances where the Applicant is the City of South Jordan; and

**WHEREAS**, the City Council has held a public hearing and reviewed the subject text amendment; and

**WHEREAS**, the City Council finds that the subject text amendment will enhance the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Amendment.** Section 17.130.050 of the South Jordan City Municipal Code, as shown in the attached **Exhibit A**, is hereby amended.

**SECTION 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 3. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
 Dawn R. Ramsey

Attest: \_\_\_\_\_  
 City Recorder

Approved as to form:

  
 \_\_\_\_\_  
 Office of the City Attorney

## EXHIBIT A

(Additions in **bold underline**, deletions in strikethrough)

### **17.130.050.020 A.2**

Rezone: A PD District shall only be established upon approval by the City Council as a rezone according to the provisions of chapter 17.22, "Zoning Amendments", of this title and as may be required elsewhere in this title, except that the requirement for a conceptual plan in subsection 17.22.030D of this title shall be replaced with a development plan according to subsection B of this section. **Except in those instances where the Applicant is the City of South Jordan** ~~The~~ development plan shall be approved by development agreement in conjunction with the rezoning approval. **If the Applicant is the City of South Jordan the development plan may be approved as part of the rezone without a development agreement.**

### **17.130.050.030**

Any application to amend an approved PD District shall be processed as a zone text amendment, except that an application to extend the district boundaries shall be processed as a rezone. **Except in those instances where the Applicant is the City of South Jordan** ~~a~~Any amendment to an approved PD District requires that the corresponding development agreement also be amended. ~~(Ord. 2016-05, 5-3-2016)~~